

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

ENRON CORP.

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File No. EB-00-IH-0395

NAL/Acct. No. 200232080003

FRN 0001-6407-21

MEMORANDUM OPINION AND ORDER

Adopted: June 6, 2001

Released: June 11, 2002

By the Commission:

1. In this *Memorandum Opinion and Order*, we deny a “Petition for Special Relief, or in the Alternative, Application for Review” filed by the Office of Communications of the United Church of Christ, Inc. (“UCC”) on February 15, 2002. UCC challenges an *Order* issued on January 16, 2002, by the Chief, Enforcement Bureau,¹ which adopted a Consent Decree between the Enforcement Bureau and Enron Corp. (“Enron”), and terminated the Enforcement Bureau’s investigation of Enron’s compliance with Section 310(d) of the Communications Act of 1934, as amended (the “Act”), with respect to certain private radio licenses.² Enron had voluntarily brought the matter to the Commission staff’s attention. Under the Consent Decree, Enron agreed to make a voluntary contribution to the United States Treasury of \$7,500.00, and to implement several affirmative remedial measures to ensure future compliance.

2. We deny UCC’s petition. The decision to adopt a consent decree in these circumstances was a reasonable and appropriate use of the Commission’s enforcement and prosecutorial discretion. We note in this regard that the Bureau resolved numerous similar situations through similar consent decrees or through admonishments.³

¹ *Enron Corp.*, DA 02-65 (Enf. Bur., rel. Jan. 16, 2002).

² Section 310(d) provides in part as follows:

No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon a finding by the Commission that the public interest, convenience, and necessity will be served thereby....

47 U.S.C. § 310(d).

³ See, e.g., Letter from Gary Schonman, Asst. Chief, Investigations & Hearings Division, Enforcement Bureau, to

ORDERING CLAUSE

3. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 4(j), 5(c)(4), and 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c)(4) and 503(b), and Sections 1.41, 1.43 and 1.115 of the Commission's Rules, 47 C.F.R. §§ 1.41, 1.43, 1.115, that the "Petition for Special Relief, or in the Alternative, Application for Review" filed by the Office of Communications of the United Church of Christ, Inc. on February 15, 2002, IS DENIED, and that the "Request for Stay" filed by the Office of Communications of the United Church of Christ, Inc. on February 15, 2002, IS DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

Karen Skovran, Equitable Gas Co., dated January 25, 2002 (admonishment); Letter from Gary Schonman, Asst. Chief, Investigations & Hearings Division, Enforcement Bureau, to Randy Albert, Consol Energy, dated January 25, 2002 (admonishment); Letter from Gary Schonman, Asst. Chief, Investigations & Hearings Division, Enforcement Bureau, to T. Frobase, Teppco Crude Pipeline, L.P., dated January 25, 2002 (admonishment); *Matter of Anadarko Petroleum Corp.*, 16 FCC Rcd 9,378 (Enf. Bur., 2001) (consent decree for \$15,000); *Matter of ONEOK, Inc.*, 16 FCC Rcd 7,827 (Enf. Bur., 2001) (consent decree for \$15,000); Letter from Charles W. Kelley, Chief, Investigations & Hearings Division, Enforcement Bureau, to Bruce R. Worthington, Senior Vice President and General Counsel, PG&E Corp., dated March 23, 2001 (admonishment); *Matter of Kenergy Corp.*, 16 FCC Rcd 3,851 (Enf. Bur., 2001) (consent decree for \$7,500); *Matter of LG&E Energy Corp.*, 15 FCC Rcd 17,359 (Enf. Bur., 2000) (consent decree for \$15,000); *Matter of Consolidated Edison Co. of New York, Inc.*, 15 FCC Rcd 18,844 (Enf. Bur., 2000) (consent decree for \$5,000); Letter from Charles W. Kelley, Chief, Investigations & Hearings Division, Enforcement Bureau, to Carole C. Harris, McDermott, Will & Emery, Counsel to Arizona Public Service Co., dated August 2, 2000 (admonishment); Letter from Charles W. Kelley, Chief, Investigations & Hearings Division, Enforcement Bureau, to Carole C. Harris, McDermott, Will & Emery, Counsel to Niagara Mohawk Power Corp., dated June 1, 2000 (admonishment); Letter from Charles W. Kelley, Chief, Investigations & Hearings Division, Enforcement Bureau, to Christine M. Gill, McDermott, Will & Emery, Counsel to New York State Electric & Gas Corp., dated May 25, 2000 (admonishment).